

MEMORANDUM FOR: See Distribution

FROM:

Chief, Legislation Division, OLC

SUBJECT: S. 106: A Bill to Require the Disclosure of Information Relating to Reports Prepared for Executive Agencies by Experts or Consultants

1. This Bill would require that any document that is published, distributed, or transmitted by any agency and which consists, in whole or in part, of information or other matter derived from any report which was submitted to such agency pursuant to a contract with an expert or consultant shall include on the title page of the document the following information:

- (A) names of principal experts or consultants who prepared or contributed to the report;
- (B) duration, and beginning/closing dates of the contract;
- (C) total amount to be paid by the agency under the contract;
- (D) name of the officer or employee who awarded the contract;
- (E) type of procurement which was used prior to the award of any such contract.

Also, a copy of the report must be forwarded to the GAO where it would be kept for five years.

2. Since this Bill does not purport to override provisions of law relating to the protection of intelligence sources and methods, we believe that existing authorities would be sufficient to protect classified or otherwise sensitive information.

3. Your comments on this matter would be appreciated; please address them to [redacted] Assistant Legislative Counsel. Although this legislation has been unsuccessfully proposed in the past, we believe that it stands a better chance this year in the present climate of attack against government waste.

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1 - OLC Subject (File: Procurement/Consultants and Contractors)  
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OLC:BGD:es (30 Jan 81)

97TH CONGRESS  
1ST SESSION

# S. 106

To require the disclosure of information relating to reports prepared for executive agencies by experts or consultants.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 15 (legislative day, JANUARY 5), 1981

Mr. INOUE introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

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## A BILL

To require the disclosure of information relating to reports prepared for executive agencies by experts or consultants.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That this Act may be cited as the "Federal Reports Author-  
4       ship Disclosure Act of 1981".

5       SEC. 2. (a) For the purposes of this Act, the term—

6               (1) "agency" means any authority in the execu-  
7       tive branch of the Government of the United States;

8               (2) "expert or consultant" means any individual  
9       who is not an official, officer, or employee of the

1 United States Government or any organization consist-  
2 ing of two or more such individuals; and

3 (3) "report" means a study, plan, evaluation,  
4 manual, presentation, or other document which is pre-  
5 pared by an expert or consultant pursuant to a con-  
6 tract or purchase order with an agency, and which is  
7 submitted (A) to such agency, or (B) on behalf of such  
8 agency, to any other authority of the United States  
9 Government.

10 (b) Any document which is published, distributed, or  
11 transmitted by any agency and which consists of, in whole or  
12 in part, information or other matter derived from any report  
13 which was submitted to such agency pursuant to a contract  
14 between any agency and an expert or consultant which was  
15 initially awarded for the preparation of that document, shall  
16 include on the title page or the next consecutive page—

17 (1) the names of the principal experts or consul-  
18 tants who prepared or contributed to such report;

19 (2) the duration and the beginning and closing  
20 dates, if available, of the contract pursuant to which  
21 such report was prepared;

22 (3) the total amount to be paid by such agency  
23 under such contract;

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1           (4) the name of the agency to which such report  
2           was submitted and the name of the officer or employee  
3           who awarded such contract;

4           (5) the type of procurement which was used prior  
5           to the award of any such contract; and

6           (6) a copy of each such document shall be sup-  
7           plied to the General Accounting Office not later than  
8           ten days after the date of issue of such document.  
9           Each document shall be recorded in order of receipt by  
10          the General Accounting Office and maintained by said  
11          Office for a period of five years following its date of  
12          issue.

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